30 (Currently Amended) The article of manufacture of claim 25, wherein the determining step further comprises:

detecting a need for an upgrade of said first removable storage ~~media~~ cartridge.

31 (Original) The article of manufacture of claim 25, wherein the creating step further comprises:

obtaining said copy of said data by RAID parity calculations.

32 (Original) The article of manufacture of claim 25, wherein the creating step further comprises:

obtaining said copy of said data from a backup copy of said data.

33 (Original)The article of manufacture of claim 25, wherein the creating step further comprises:

obtaining said copy of said data by reconstruction of said data from one or more sources.

34 (Canceled).

35 (Canceled).

REMARKS

Claims 1-35 stand rejected.

Claims 1-6, 12-18, and 24-30 are currently amended.

Claims 10-11, 22-23, and 34-35 are canceled.

Claims 1-9, 12-21, and 24-33 are now pending.

Rejection of Claims under 35 U.S.C. § 101

Claims 25-35 stand rejected under 35 U.S.C. 101. The Office Action states that the claimed invention is directed to non-statutory subject matter. Applicants respectfully disagree. Applicants submit that claims 25-35 contain statutory subject matter since the

claims as written produce a "useful, concrete and tangible result." *State Street*, 149 F.3d at 1373, 47 USPQ2d at 1601-02. For example as claimed, the invention of claims 25-35 relate to an article of manufacture comprising a data storage medium tangibly embodying a program of machine-readable instructions executable by a digital processing apparatus to perform method steps for managing removable storage cartridges including the step of "creating a copy of said data on said second removable storage cartridge." The step of "creating a copy of said data on said second removable storage cartridge" produces a "useful, concrete and tangible result." Moreover, computer software stored on a computer readable medium (computer program product) has been held to be statutory subject matter. *In re Beauregard*, 35 USPQ2d 1383 (Fed. Cir. 1995). Finally, the Office Action specifically points to "infared signals" of Applicants specification at [0053]. However, Applicants respectfully note that the term "infared signals" is not recited in the rejected claim.

Accordingly, Applicants respectfully request this rejection be withdrawn.

Rejection of Claims under 35 U.S.C. § 103

Claims 1-4, 6, 25-28, and 30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Parks et al., U.S. Patent No. 6,598,174 ("Parks"), in view of Shea, U.S. PG Publication 2004/0081087 ("Shea").

In re claims 1 and 25 the Office Action states in paragraph 5 that Parks discloses "said first removable storage media is identified by a persistent worldwide name". Further, in paragraph 5, the Office Action states that Shea discloses moving the "worldwide name to a backup device".

As amended, independent claim 1, and generally independent claim 25 recite, *inter alia*, wherein a "persistent worldwide name is stored in a ***first cartridge memory*** of

said first removable storage ***cartridge...*** assigning ***said persistent worldwide name*** to said second removable storage ***cartridge,*** and storing said persistent worldwide name in a ***second cartridge memory*** of said second removable storage cartridge" (emphasis added).

The cited portions of Parks and Shea, either alone or in combination, do not disclose a method comprising a persistent worldwide name is stored in a ***first cartridge memory*** of said first removable storage ***cartridge...*** assigning ***said persistent worldwide name*** to said second removable storage ***cartridge,*** and storing said persistent worldwide name in a ***second cartridge memory*** of said second removable storage cartridge emphasis added).

Claims 5 and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Parks and in view of Shea in further view of Goodman et al., U.S. PG Publication 2003/0065684 ("Goodman").

The Office Action relies upon Goodman for disclosing using a library controller via a user interface. See Office Action paragraph 6.

The cited portions of Parks, Shea, and Goodman, either alone or in combination, do not disclose a method comprising a persistent worldwide name is stored in a ***first cartridge memory*** of said first removable storage ***cartridge...*** assigning ***said persistent worldwide name*** to said second removable storage ***cartridge,*** and storing said persistent worldwide name in a ***second cartridge memory*** of said second removable storage cartridge (emphasis added).

Claims 7-9 and 31-33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Parks and in view of Shea in further view of Tanaka, U.S. Patent 6,813,685.

The Office Action relies upon Tanaka to disclose the method of creating the copy of data by RAID parity calculations, from a backup copy and by reconstruction of data. See Office Action paragraph 7.

The cited portions of Parks, Shea, and Tanaka, either alone or in combination, do not disclose a method comprising a persistent worldwide name is stored in a ***first***

cartridge memory of said first removable storage ***cartridge...*** assigning ***said persistent worldwide name*** to said second removable storage ***cartridge,*** and storing said persistent worldwide name in a ***second cartridge memory*** of said second removable storage cartridge (emphasis added).

Claims 10-12 and 34-35 are stand rejected under 35 U.S.C. 103(a) as being unpatentable over Parks and Shea in further view of Timpanaro-Perrotta, U.S. PG Publication 2003/0177324 ("Timpanaro-Perrotta").

The Office Action relies upon Timpanaro-Perrotta to disclose "a cartridge memory (i.e. storage media) associated with the worldwide name". Further Timpanaro-Perrotta is relied upon to disclose that tape cartridges may be used for a backup storage device. See Office Action paragraph 8.

Applicants disclose in Figure 8, that the removable media cartridge **730** contains cartridge memory **899**. See, for example, specification, paragraphs [0037] and [0038]. Further, Applicants disclose that a cartridge memory associated with the removable media cartridge could be used to store the persistent worldwide name assigned to the storage media. See specification, paragraph [0049].

Timpanaro-Perrotta does not disclose a first removable storage cartridge with a distinct first cartridge memory therein. Timpanaro-Perrotta does not disclose the method of storing a persistent worldwide name to a cartridge memory. Finally, while Timpanaro-Perrotta recognizes that tape cartridges may be used for backup storage (see Timpanaro-Perrotta paragraph [0022]) Timpanaro-Perrotta does not disclose the method of copying contents of first removable storage cartridge to a second removable storage cartridge.

The cited portions of Parks, Shea, and Timpanaro-Perrotta, either alone or in combination, do not disclose a method comprising a persistent worldwide name is stored in a ***first cartridge memory*** of said first removable storage ***cartridge...*** assigning ***said persistent worldwide name*** to said second removable storage ***cartridge,*** and storing said persistent worldwide name in a ***second cartridge memory*** of said second removable storage cartridge (emphasis added).

Accordingly, Applicants submit that all of the claim limitations of independent claims 1 and 25, as amended, have not been shown by Parks, Shea, Goodman, Tanaka, and Timpanaro-Perrotta, alone or in combination. Accordingly, Applicants respectfully submit that claims 1 and 25 are allowable for at least this reason over Parks, Shea, Goodman, Tanaka, and Timpanaro-Perrotta, alone or in combination.

Claims 2-9 depend from independent claim 1 and are allowable for at least this reason. Claims 26-33 depend from independent claim 25 and are allowable for at least this reason.

Claims 13-14 and 24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al., U.S. PG Publication 2001/0047460 ("Kobayashi"), in view of Shea, U.S. PG Publication 2004/0081087 ("Shea").

In re claims 13 and 24 the Office Action states in paragraph 9 that Kobayashi discloses a "a persistent worldwide name associated with a first removable storage media" and "a processor coupled to said first removable storage media and coupled to said second removable storage media...wherein said processor creates a copy of said data on second removable storage media". Further, in paragraph 9, the Office Action states that Shea discloses moving the "worldwide name to a backup device".

As amended, independent claim 13, and generally independent claim 24 recite, *inter alia*, wherein a "a first removable storage ***cartridge*** for storing data, ***comprising a first cartridge memory***...said persistent worldwide name is ***stored within said first cartridge memory***...a second removable storage ***cartridge***, ***comprising a second cartridge memory*** said processor ***stores*** said persistent worldwide name in ***said second cartridge memory***" (emphasis added).

The cited portions of Kobayashi and Shea, either alone or in combination, do not disclose a system comprising a first removable storage ***cartridge*** for storing data, ***comprising a first cartridge memory***...said persistent worldwide name is ***stored within said first cartridge memory***...a second removable storage ***cartridge***, ***comprising a***

second cartridge memory said processor ***stores*** said persistent worldwide name in ***said second cartridge memory*** (emphasis added).

Claims 15-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi and Shea in further view of Parks.

The Office action relies on Parks to disclose a system which can detect failures, performance, or a need for an upgrade of the removable storage media. See Office Action paragraph 10.

The cited portions of Kobayashi, Shea, and Parks either alone or in combination, do not disclose a system comprising a first removable storage ***cartridge*** for storing data, ***comprising a first cartridge memory***...said persistent worldwide name is ***stored within said first cartridge memory***...a second removable storage ***cartridge, comprising a second cartridge memory*** said processor ***stores*** said persistent worldwide name in ***said second cartridge memory*** (emphasis added).

Claim 18 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi and Shea in further view of Goodman.

The Office Action relies upon Goodman for disclosing using a library controller via a user interface. See Office Action paragraph 11.

The cited portions of Kobayashi, Shea, and Goodman, either alone or in combination, do not disclose a system comprising a first removable storage ***cartridge*** for storing data, ***comprising a first cartridge memory***...said persistent worldwide name is ***stored within said first cartridge memory***...a second removable storage ***cartridge, comprising a second cartridge memory*** said processor ***stores*** said persistent worldwide name in ***said second cartridge memory*** (emphasis added).

Claims 19-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi and Shea in further view of Tanaka.

The Office Action relies upon Tanaka to disclose the method of creating the copy of data by RAID parity calculations, from a backup copy and by reconstruction of data. See Office Action paragraph 12.

The cited portions of Kobayashi, Shea, and Tanaka, either alone or in combination, do not disclose a system comprising a first removable storage ***cartridge*** for storing data, ***comprising a first cartridge memory***...said persistent worldwide name is ***stored within said first cartridge memory***...a second removable storage ***cartridge***, ***comprising a second cartridge memory*** said processor ***stores*** said persistent worldwide name in ***said second cartridge memory*** (emphasis added).

Accordingly, Applicants submit that all of the claim limitations of independent claims 13 and 24, as amended, have not been shown by Kobayashi, Shea, Parks Goodman and Tanaka, alone or in combination. Accordingly, Applicants respectfully submit that claims 1 and 25 are allowable for at least this reason over Kobayashi, Shea, Parks, Goodman, and Tanaka, alone or in combination.

Claims 14-21 depend from independent claim 13 and are allowable for at least this reason.

CONCLUSION

In view of the remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at the numbers provided below.

I hereby certify that this correspondence is being faxed herewith to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

Jennifer M. Anda 6/19/06

Attorney for Applicants Date of Signature

Respectfully submitted,

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